

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 19, 2018

Item 34, Report No. 21, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 19, 2018.

34 SITE DEVELOPMENT FILE DA.18.026 CEDAR FAIR VICINITY OF RUTHERFORD ROAD AND HIGHWAY 400

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Deputy City Manager, Planning and Growth Management dated June 5, 2018, be approved;**
- 2) That staff host one meeting with the applicant and the property owner of 3300 Rutherford Road to discuss potential access to Canada's Wonderland Drive from 3300 Rutherford Road; and**
- 3) That the coloured elevation submitted by the applicant, be received.**

Recommendations

1. THAT Site Development File DA.18.026 (Cedar Fair) BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS, to permit an 8-storey hotel building, with a gross floor area ("GFA") of 12,381m², as shown on Attachments #3 to #6:
 - a) Prior to the execution of the Site Plan (Amending) Agreement:
 - i) the Development Planning Department shall approve the final site plan, building elevations, landscape plan, landscape Letter of Credit, signage details and Arborist Report;
 - ii) The Development Engineering Department shall approve the final site servicing and grading plan, erosion control plan, functional servicing and storm water management reports and drawings, site illumination plan, utility coordination plan, geotechnical and hydrogeological assessment, and Traffic Impact Study;
 - iii) The Owner shall pay the Development Engineering Site Plan fee pursuant to the Fees and Charges By-law as amended. If the fee is not paid in the calendar year in which it is calculated, the fee will be subject to increase in the next calendar year;
 - v) The Owner shall enter into a Development Agreement with Development Engineering Department for the installation of any proposed service connections and agree to pay for design and construction of any

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improvements to the municipal infrastructure regarding the site servicing assessment, should it be determined that upgrades are required to the infrastructure to support this Development. The Owner also shall agree to pay applicable fees and post necessary Letter(s) of Credit pursuant to the City Fees and Charges By-law as amended;

- vi) The Owner shall make all necessary arrangements with the Owner of the adjacent property to the east (World of Food, 3300 Rutherford Road) to secure the required easement(s) over these lands for the proposed water and sanitary service connections and amend the existing easement agreement to this effect, or secure other suitable alternative servicing arrangements to the satisfaction of the City;
- vii) the Owner shall satisfy all requirements of the Environmental Services Department Solid Waste Division;
- viii) the Owner shall successfully obtain approval of a Minor Variance application for the required zoning exceptions to Zoning By-law 1-88, as identified Table 1 in this report, and a Consent application, if required, for any easement(s) to facilitate the servicing of the Subject Lands, from the Vaughan Committee of Adjustment. The Committee's decision(s) shall be final and binding and the Owner shall satisfy any conditions of approval imposed by the Committee;
- ix) the Owner shall satisfy all York Region requirements, including the payment of all York Region review fees;
- x) the Owner shall satisfy all requirements of the Ministry of Transportation Ontario ("MTO"), including but not limited to satisfying the MTO's requirement for additional stormwater management analysis, and successfully obtain approval of the required Building and Land Use Permits;
- xi) the Owner shall satisfy all requirements of the Toronto and Region Conservation Authority ("TRCA") and obtain approval of a sitespecific Water Balance Analysis which addresses the Wellhead Protection Area-Q2 ("WHPA-Q2") requirements to the satisfaction of TRCA;
- xii) "The Owner shall provide the City with a Letter of Credit for any tree compensation value and for the landscape

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and engineering works prior to the execution of the Site Plan Agreement”; and

xiii) “The Owner shall obtain approval from the Development Planning Department for a separate municipal address for the proposed hotel building”.

b) that the Site Plan (Amending) Agreement include the following clauses:

- i) “The Owner shall pay, to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the Subject Lands, prior to issuance of a Building Permit, in accordance with Section 42 of the Planning Act. The Owner shall submit an appraisal of the Subject Lands prepared by an accredited appraiser for approval by the Office of the City Solicitor, Real Estate Department, and the approved appraisal shall form the basis of the cash-in-lieu payment.”
- ii) “The Owner acknowledges that the City’s 2018 Pedestrian and Bicycle Master Plan (in process) will identify a multiuse active transportation connection across Highway 400 to connect to multiuse recreational trails on the east and west side of Highway 400 within Block 32. The future connection may require access through the Owner’s lands, north of the proposed hotel. The City may request easements, in favour of the City, to provide for the future crossing.”
- iii) “The Owner agrees that waste collection services for the Development will be the responsibility of the Owner.”
- iv) “The Owner shall agree in the Site Plan Agreement that prior to occupancy of the building, a noise consultant shall certify that the building plans are in accordance with the noise control features recommended by the approved Noise Report. Where wall, window and/or oversized forced air mechanical systems are required by the Noise Report, these features be certified by a Professional Engineer at the City’s request. The Engineer’s certificate must refer to the final Noise Report and be submitted to the City’s Chief Building Official and the Director of Development Engineering.”
- v) “The Owner agrees that prior to occupancy of the building, the Owner shall submit to the City, satisfactory evidence that the appropriate Noise warning clauses

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have been included in the Offer of Purchase and Sale, lease/rental agreements and condominium declarations.”

- vi) "The Owner shall pay the applicable fees pursuant to the current Fees and Charges By-law including water consumption during building construction."
 - vii) "The Owner shall provide Presto cards to hotel staff as an incentive to promote transit usage."
 - viii) "Prior to occupancy, the existing Canada's Wonderland Theme Park entrance gates to this private driveway shall be relocated, north of the entrance of the proposed hotel driveway, in accordance with the recommendations of the Traffic Impact Study ("TIS"). The Owner shall submit a Letter of Credit in an amount equal to the value of relocating and/or reconstructing (if necessary) the existing gates, which shall be released upon confirmation of said works in accordance with the approved site plan and TIS" and related plans.
- c) That prior to the issuance of a Building Permit, the Owner agrees to pay all applicable Development Charges in accordance with the City of Vaughan, York Region, York Region District School Board and York Catholic District School Board Development Charge By-laws at the time of the issuance of a Building Permit.

Item:



Committee of the Whole Report

DATE: Tuesday, June 05, 2018

WARD: 1

TITLE: SITE DEVELOPMENT FILE DA.18.026

CEDAR FAIR

VICINITY OF RUTHERFORD ROAD AND HIGHWAY 400

FROM:

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Site Development File DA.18.026 for the Subject Lands shown on Attachments #1 and #2, to permit the development of an 8-storey hotel as shown on Attachments #3 to #6.

Report Highlights

- The Owner seeks approval for an 8-storey hotel with associated parking.
- The Development Planning Department supports approval of the Development, subject to the Recommendations in this report, as the proposed hotel use conforms with the Official Plan, is a permitted use by the Theme Park Commercial Zone in Zoning By-law 1-88, and is compatible with the existing and planned uses in the surrounding area.
- The Owner must obtain approval from the Committee of Adjustment for the necessary exceptions to Zoning By-law 1-88 identified in Table 1 of this report, to permit the Development.

Recommendations

1. THAT Site Development File DA.18.026 (Cedar Fair) BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS, to permit an 8-storey hotel building, with a gross floor area ("GFA") of 12,381m², as shown on Attachments #3 to #6:
 - a) Prior to the execution of the Site Plan (Amending) Agreement:
 - i) the Development Planning Department shall approve the final site plan, building elevations, landscape plan, landscape Letter of Credit, signage details and Arborist Report;
 - ii) The Development Engineering Department shall approve the final site servicing and grading plan, erosion control plan, functional servicing and storm water management reports and drawings, site illumination plan, utility coordination plan, geotechnical and hydrogeological assessment, and Traffic Impact Study;
 - iii) The Owner shall pay the Development Engineering Site Plan fee pursuant to the Fees and Charges By-law as amended. If the fee is not paid in the calendar year in which it is calculated, the fee will be subject to increase in the next calendar year;
 - iv) The Owner shall enter into a Development Agreement with Development Engineering Department for the installation of any proposed service connections and agree to pay for design and construction of any improvements to the municipal infrastructure regarding the site servicing assessment, should it be determined that upgrades are required to the infrastructure to support this Development. The Owner also shall agree to pay applicable fees and post necessary Letter(s) of Credit pursuant to the City Fees and Charges By-law as amended;
 - v) The Owner shall make all necessary arrangements with the Owner of the adjacent property to the east (World of Food, 3300 Rutherford Road) to secure the required easement(s) over these lands for the proposed water and sanitary service connections and amend the existing easement agreement to this effect, or secure other suitable alternative servicing arrangements to the satisfaction of the City;
 - vi) the Owner shall satisfy all requirements of the Environmental Services Department Solid Waste Division;

- vii) the Owner shall successfully obtain approval of a Minor Variance application for the required zoning exceptions to Zoning By-law 1-88, as identified Table 1 in this report, and a Consent application, if required, for any easement(s) to facilitate the servicing of the Subject Lands, from the Vaughan Committee of Adjustment. The Committee's decision(s) shall be final and binding and the Owner shall satisfy any conditions of approval imposed by the Committee;
 - viii) the Owner shall satisfy all York Region requirements, including the payment of all York Region review fees;
 - ix) the Owner shall satisfy all requirements of the Ministry of Transportation Ontario ("MTO"), including but not limited to satisfying the MTO's requirement for additional stormwater management analysis, and successfully obtain approval of the required Building and Land Use Permits;
 - x) the Owner shall satisfy all requirements of the Toronto and Region Conservation Authority ("TRCA") and obtain approval of a site-specific Water Balance Analysis which addresses the Wellhead Protection Area-Q2 ("WHPA-Q2") requirements to the satisfaction of TRCA;
 - xi) "The Owner shall provide the City with a Letter of Credit for any tree compensation value and for the landscape and engineering works prior to the execution of the Site Plan Agreement"; and
 - xii) "The Owner shall obtain approval from the Development Planning Department for a separate municipal address for the proposed hotel building".
- b) that the Site Plan (Amending) Agreement include the following clauses:
- i) "The Owner shall pay, to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the Subject Lands, prior to issuance of a Building Permit, in accordance with Section 42 of the *Planning Act*. The Owner shall submit an appraisal of the Subject Lands prepared by an accredited appraiser for approval by the Office of the City Solicitor, Real Estate Department, and the approved appraisal shall form the basis of the cash-in-lieu payment."
 - ii) "The Owner acknowledges that the City's 2018 Pedestrian and Bicycle Master Plan (in process) will identify a multiuse active

transportation connection across Highway 400 to connect to multi-use recreational trails on the east and west side of Highway 400 within Block 32. The future connection may require access through the Owner's lands, north of the proposed hotel. The City may request easements, in favour of the City, to provide for the future crossing."

- iii) "The Owner agrees that waste collection services for the Development will be the responsibility of the Owner."
 - iv) "The Owner shall agree in the Site Plan Agreement that prior to occupancy of the building, a noise consultant shall certify that the building plans are in accordance with the noise control features recommended by the approved Noise Report. Where wall, window and/or oversized forced air mechanical systems are required by the Noise Report, these features be certified by a Professional Engineer at the City's request. The Engineer's certificate must refer to the final Noise Report and be submitted to the City's Chief Building Official and the Director of Development Engineering."
 - v) "The Owner agrees that prior to occupancy of the building, the Owner shall submit to the City, satisfactory evidence that the appropriate Noise warning clauses have been included in the Offer of Purchase and Sale, lease/rental agreements and condominium declarations."
 - vi) "The Owner shall pay the applicable fees pursuant to the current Fees and Charges By-law including water consumption during building construction."
 - vii) "The Owner shall provide Presto cards to hotel staff as an incentive to promote transit usage."
 - viii) "Prior to occupancy, the existing Canada's Wonderland Theme Park entrance gates to this private driveway shall be relocated, north of the entrance of the proposed hotel driveway, in accordance with the recommendations of the Traffic Impact Study ("TIS"). The Owner shall submit a Letter of Credit in an amount equal to the value of relocating and/or reconstructing (if necessary) the existing gates, which shall be released upon confirmation of said works in accordance with the approved site plan and TIS" and related plans.
- c) That prior to the issuance of a Building Permit, the Owner agrees to pay all applicable Development Charges in accordance with the City of

Vaughan, York Region, York Region District School Board and York Catholic District School Board Development Charge By-laws at the time of the issuance of a Building Permit.

Background

The 6.9 ha vacant subject lands (the “Subject Lands”) shown on Attachments #1 and #2, are located on the northeast corner of Rutherford Road and Highway 400. The Subject Lands form part of the Canada’s Wonderland amusement park property. The surrounding land uses are shown on Attachment #2.

A Site Development Application has been submitted to permit the Development

The Owner has submitted Site Development File DA.18.026 (“the Application”) on the Subject Lands shown on Attachments #1 and #2, to permit an 8-storey hotel building (the “Development”) and associated parking as shown on Attachments #3 to #6.

Previous Reports/Authority

Not applicable.

Analysis and Options

The proposed land use is consistent with the Provincial Policy Statement (“PPS”) 2014

Section 3 of the *Planning Act*, requires that all land use decisions in Ontario “shall be consistent” with the *Provincial Policy Statement, 2014* (“PPS”). The PPS provides policy direction on matters of provincial interest related to land use planning and development. The key objectives of these policies are building strong, health and resilient communities, while protecting the environment, public safety and facilitating economic growth. The PPS policies state (in part) that Settlement Areas:

- a) Section 1.1.1 - promote efficient development and land use patterns to sustain the long-term financial well-being of municipalities and the province and accommodate an appropriate range of residential, employment, institutional, recreation, park and open space use, and other uses;
- b) Section 1.1.3 – supports settlement areas as the focus of growth and development a promotes their vitality and regeneration; and
- c) Section 1.2.3.2 – promotes densities and a mix of land uses which are transit-supportive, are appropriate and efficiently use the infrastructure available.

In this regard, the Development represents the intensification of a currently underutilized property within a settlement area in the City of Vaughan which promotes economic development and competitiveness within this community. The proposed hotel built form is designed to be compatible with the surround land uses and will support the needs of the existing and future businesses in the community. The Subject Lands form part of the

existing Canada's Wonderland Theme Park and are located adjacent to an existing commercial plaza and within walking distance of the Vaughan Mills Mall. The proposed hotel use will utilize the existing infrastructure within the community and the proposed use conforms with the "Theme Park and Entertainment" policies of the Vaughan Official Plan 2010. The Development is consistent with the policies of the PPS.

The proposed hotel use conforms to the Growth Plan for the greater Golden Horseshoe, 2017 (Growth Plan)

The *Provincial Growth Plan for the Greater Golden Horseshoe (2017)* (the "Growth Plan") guides decisions on a range of issues, including economic development, land-use planning, urban form, and housing. The Growth Plan provides an overall framework to manage growth within the Greater Golden Horseshoe including: providing direction for where and how municipalities grow; the provision of infrastructure to support growth; and concentrating intensification in areas where there is transit infrastructure investment to support growth. Council's planning decisions are required by the *Planning Act* to conform, or not conflict with the Growth Plan.

The vacant Subject Lands are located within the built boundary of the Growth Plan and are located within a Primary Intensification Corridor (along Rutherford Road) and are immediately north of a Primary Centre (Vaughan Mills Centre Secondary Plan) identified in VOP 2010 as areas for future growth. The proposed hotel will improve an underutilized parcel of land and contribute to the efficient use of existing and planned infrastructure, thereby meeting this objective of the Growth Plan.

The surrounding area is well served by infrastructure to support the Development. The Subject Lands are adjacent to Highway 400 and Rutherford Road. The York Region Transportation Master Plan (2016) identifies Rutherford Road as a Frequent Transit Network. VOP 2010 identifies Rutherford Road as a Regional Transit Priority Network. VOP 2010 identifies specific land uses and densities for future development and the proposed hotel use conforms to the policy framework of the Growth Plan. The built form would utilize the Subject Lands more efficiently, and make efficient use of existing infrastructure, which supports the Growth Plan objectives, specifically:

- a) Section 2.2.1 - directing growth in settlement areas and locations with existing or planned higher order transit; and,
- b) Section 2.2.5 - promoting economic development and competitiveness by directing uses to locations that support active transportation and have existing or planned transit.

The Development shown on Attachments #3 to #5 provides for a hotel use within a settlement area and the location of the Subject Lands adjacent to Highway 400 and the Primary Intensification Corridor with existing and planned higher order transit support the proposed use. In consideration of the above, the Development conforms to the relevant policies and objectives of the Growth Plan.

The proposed hotel use conforms to the York Region Official Plan 2010 (“YROP”)

The YROP provides guidance on community building, economic and environmental decisions, and outlines the overall “Regional Structure”. The Subject Lands are located within the “Urban Area” of the YROP which permits a range of residential, commercial, industrial and institutional uses. The Subject Lands front onto Rutherford Road which is identified as a Frequent Transit Network in the YROP and is well served by the existing public transit and is adjacent to Highway 400, which is a major provincial highway corridor through the Greater Toronto Area (“GTA”). The YROP includes policies to diversify and strengthen the Region’s economic base, provide employment opportunities for residents and a competitive advantage for businesses. Sections 4.1.2 and 4.1.3 of the YROP promotes the creation of high quality employment opportunities for residents and the creation of vibrant and healthy communities that attract and retain a skilled labour force and quality employers. A hotel use in this location conforms to these YROP policies.

The Subject Lands form part of the Canada’s Wonderland Theme Park. Section 4.1.13 of the YROP includes a policy that supports the establishment and promotion of destinations for recreation and tourism to implement York Region’s Long-Term Tourism Destination and Development Strategy. The proposed hotel is on the Canada’s Wonderland property and will support the Theme Park use. Given its location opposite the Vaughan Mills Mall, the Subject Lands will also serve and support tourism in the immediate area and within the Region. The proposed Development conforms to the YROP.

Previous Official Plan approvals permitted a hotel use on the Canada’s Wonderland property

The Canada’s Wonderland Theme Park was approved through Vaughan Official Plan Amendments (“OPA”) #74, as amended by OPAs #114, #138 and #508. OPA #74 approved the “Theme Park” designation for the lands north and south of Major Mackenzie Drive, and permitted hotel and motel uses north of Major Mackenzie Drive.

OPA #114 redesignated the theme park lands “Theme Park Area” and permitted hotel and motel uses south of Major Mackenzie Drive.

OPA #138 permitted the amphitheater and required that theater traffic be distributed to Highway 400 via the Major Mackenzie Drive and Rutherford Road interchanges through the internal Canada’s Wonderland road system.

OPA #508 updated the existing policies for future expansion of the theme park, to include the “driveway entrance” parallel to Highway 400; specified permitted uses within the “Core Entertainment Area”; and, established a “Transition Area” which created a defined boundary for the park; an entrance to the “Core Entertainment Area”; and, a transition to the neighbouring development. OPA #508 includes implementation policies which recognized that the boundaries of these “Areas” were approximate and could be varied without amendment to the Official Plan. The boundaries of the “Transition Area”

were required to be defined in the implementing Zoning By-law (431-2001), which was approved by the then Ontario Municipal Board (“OMB”) on June 14, 2000.

Vaughan Official Plan 2010 (“VOP 2010”) designation

VOP 2010 designates the Canada’s Wonderland property as “Theme Park and Entertainment” however, this designation is not extended to the Subject Lands on “Land Use Schedule 13”.

Section 9.2.2.13 of VOP 2010 contains “Theme Park and Entertainment Area” policies specific to Canada’s Wonderland (identified on Schedule 13). A range of theme park uses are permitted in this designation including a hotel. The building types are not prescribed within the “Theme Park and Entertainment Area” land use policies.

VOP 2010 also contains interpretation policies in Section 10.2.1.6, which provide guidance in determining the boundaries of the land use designations. Section 10.2.1.6 states that boundaries of land use designations on Schedule 13 are approximate except where delineated by a Secondary Plan or area specific policy, or where they coincide with fixed distinguishable features such as streets, utility corridors, railroads or major natural features. VOP 2010 states that the boundaries of land use designations will be determined by a review of existing by-laws; prevailing lot depths; orientation of lot frontages; lot patterns; and land use patterns. The policy further indicates that where the intent of VOP 2010 is maintained, minor adjustments to the boundaries will not require amendment to VOP 2010.

The Subject Lands form part of Canada’s Wonderland property which is zoned Theme Park Commercial Zone (“TPC”). The lot depth of the portion of the Subject Lands to be used for the hotel is consistent with the existing lot depths of the commercial properties located on the north side of Rutherford Road, east of the Subject Lands.

The Development conforms to the Vaughan Official Plan (“VOP 2010”)

In consideration of the site-specific OPA’s approved by Council prior to the adoption of VOP 2010, a hotel use was previously permitted on the majority of the Canada’s Wonderland property. Staff are satisfied that the “Theme Park and Entertainment” designation applies to the Subject Lands. Physically the Subject Lands form part of the theme park as they are operated and maintained by Canada’s Wonderland and Canada’s Wonderland Drive is the private access road, which services the theme park and provides landscape amenities.

The Implementation policies in Section 10.2.1.6, support that the Subject Lands, are part of the “Theme Park and Entertainment” designation. In addition, the existing zoning on the entire Canada’s Wonderland property (including the Subject Lands) is the “TPC Theme Park Commercial Zone” in Zoning By-law 1-88.

The existing “Theme Park and Entertainment” land use policies and the Interpretation policies of VOP 2010, combined with the contiguous land holding, the existing use of the Subject Lands as part of the Canada’s Wonderland Theme Park, the existing TPC

Zone, and the prior approvals of previous Official Plan Amendments for the theme park, support the rationale to conclude that the Subject Lands are interpreted to be designated as “Theme Park and Entertainment”. In consideration of the above, the Development conforms to the policies of VOP 2010.

Amendments to Zoning By-law 1-88 required to permit the Development

The Subject Lands are zoned “TPC Theme Park Commercial Zone” (“TPC Zone”) by Zoning By-law 1-88, subject to site-specific Exception 9(194), which was approved by the OMB in June 2000, as shown on Attachment #2. The TPC Zone specifies permitted uses, associated with a theme park on the Canada’s Wonderland property, within the zone categories including “Core Entertainment Area”, “Transition Area 1” and “Transition Area 2”, as follows:

- “Core Entertainment Area” permits accommodation uses, defined as uses which provide short term accommodation including but not limited to, hotels, motels, timeshare resorts and convention centres, outdoor amusement rides, associated theme park uses, and entertainment uses;
- “Transition Area 1” permits landscaping, buffering, signage, entrance/exit facilities, internal roadways and parking; and
- “Transition Area 2” permits landscaping, buffering, signage, entrance/exit facilities, internal roadways and parking, accommodation uses, associated theme park uses, theme park services uses, and entertainment uses, provided they are located within enclosed buildings.

The Subject Lands, are located within “Transition Area 1”, which does not permit accommodation uses. An exception to Zoning By-law 1-88 is required to permit the hotel use on the Subject Lands, within the southerly portion of the “Transition Area 1” and which is defined on a Reference Plan and identified on the Site Plan, as shown on Attachment #7. Schedule “E-200b” to Zoning By-law 1-88 identifies the width of “Transition Areas 1 and 2”. Each “Transition Area” is 15m wide and is generally located adjacent to the property line around the “Core Entertainment Area” providing a combined 30m setback, as shown on Attachment #7.

The Subject Lands are located within a portion of the “Transition Area 1”, that has sufficient area to accommodate the proposed Development, maintain a 30m wide setback between the proposed Development and the property lines, and continue to maintain landscaping, buffering, signage, entrance/exit facilities and internal roadways for the theme park. The following site-specific zoning exceptions are required to permit the proposed Development within a portion of the “Transition Area 1” as shown on Attachment #7.

Table 1

	Zoning By-law 1-88 Standard	Theme Park Commercial Zone Requirement Exception 9(194)	Proposed Exceptions to the Theme Park Commercial Zone Requirement Exception 9(194)
a.	Uses Permitted "Transition Area 1"	Landscaping, buffering, signage, entrance/exit facilities, internal roadways and parking	Permit an 8-storey Hotel use, with a gross floor area ("GFA") of 12,381m ² , in the area as defined on a Reference Plan, as shown on Attachment #7
b.	Maximum Building Height "Transition Area 1"	0 m (Not defined in Zoning By-law 1-88)	27m
c.	Loading Space Requirements	Loading space is not permitted between a building and a street	Permit a loading space between the building and Highway 400

The Development Planning Department can support the proposed zoning exceptions, which are required to implement the Development, for the following reasons:

a) Proposed Hotel Use

A hotel use is permitted in the "Theme Park Commercial Zone" within the "Core Entertainment Area" and the "Transition Area 2", shown on Attachment #7. "Transition Area 1" does not permit a hotel use. Relief from the Zoning By-law 1-88 is required to permit the "Accommodation Uses" (a hotel), within the location shown on Attachment #7.

The purpose of the "Transition Areas" is to provide a buffer for the adjacent sensitive lands uses, from the "Core Entertainment Area" theme park uses and to provide a landscape area along the outer edge of the park. This was achieved through the provision of a combined 30m setback (comprised of "Transition Areas 1 and 2") along the perimeter of the "Core Entertainment Area".

The Subject Lands are located within a portion of the “Transition Area 1” that has a sufficient area to accommodate the proposed Development; maintain a 30m wide setback between the Development and the property line; and continue to maintain landscaping, buffering, signage, entrance/exit facilities and internal roadways for the theme park, as intended by the TPC Zone. The 30m setback is equivalent to the combined width of the “Transition Areas 1 and 2”, and provides a setback consistent with the 30m “Transition Areas 1 and 2” setback width applied elsewhere on the Canada’s Wonderland property.

The Subject Lands have approximately 200m of frontage on Rutherford Road, and a depth of approximately 150m. The proposed building setback for the Development maintains appropriate building setbacks from the surrounding land uses, which are: 69m from the north property line; 67m from the east property line, 30m from the south property line (Rutherford Road); and, 40m from the west property line (Highway 400). The lot depth of the Subject Lands aligns with the lot depth of the abutting “Mid-Rise Mixed-Use” land use designation in VOP 2010, which is located on the north side of Rutherford Road and extends from Jane Street to Weston Road. The “Mid-Rise Mixed-Use” designation permits a hotel use. The proposed hotel use is compatible with the permitted uses in the “Core Entertainment Area” and the “Transition Area 2” zone categories (within the TPC Zone) and with the adjacent existing commercial uses to the east on the Subject Lands.

b) Other Zone Exceptions

Site-specific Exception 9(194) specifies a maximum building height of 30m for buildings in the “Core Entertainment Area” and “Transition Area 2”. A maximum building height of 27m is proposed for the 8-storey hotel building on the Subject Lands, as shown on Attachment #7. The proposed height of the Development is consistent with the maximum 30m building height permitted within the “Core Entertainment Area” and “Transition Area 2” of the Canada’s Wonderland property.

The Development includes one loading space, located on the west elevation to accommodate the loading and the waste management areas. An exception is required to permit the proposed loading area to be located between the building and the street (Highway 400). The loading area will be screened with coniferous trees to the satisfaction of the City.

In consideration of the above, the Development Planning Department has no objections to the proposed amendments to Zoning By-law 1-88, as identified in Table 1. The Owner shall successfully obtain approval of a Minor Variance application for the required site-specific exceptions to Zoning By-law 1-88, as identified in Table 1 of this report, from the Vaughan Committee of Adjustment. The Committee’s decision must be final and binding and the Owner shall satisfy any conditions imposed by the Committee of Adjustment, should the Application be approved. A condition to this effect is included in the Recommendations of this report.

The proposed Site Plan is satisfactory, subject to the conditions in this report

The proposed site plan includes an 8-storey, 12,381m² hotel and 247 surface parking spaces, as shown on Attachment #3. The hotel will provide a shuttle service to the theme park for guests. The Development Planning Urban Design and Cultural Heritage Division has requested additional landscaping and pedestrian sidewalk connections be provided within the surface parking area. A total of 7 Accessible Parking Spaces are required in accordance with Ontario Regulation – O. Reg. 413/12. The final site plan shall include these requirements.

York Region and the Ministry of Transportation Ontario (“MTO”) have also requested changes to the location of the sidewalk connecting the building with Rutherford Road as discussed later in this report. The requested changes to the sidewalk location will improve the pedestrian safety and movement through the site and must be to the satisfaction of the City, York Region and the MTO.

Vehicular access to the hotel is proposed from a driveway on the west side of Canada’s Wonderland Drive, which is a private driveway entrance to the theme park and is open seasonally. The existing gates at Rutherford Road will be relocated north of the proposed driveway that serves the hotel to provide year-round access to the Subject Lands as recommended by the Traffic Impact Study submitted in support of the Application. A condition of approval is included recommending that the relocation and/or reconstruction of the gates be secured by a Letter of Credit. Urban Design Staff have requested that an architectural gateway or landscape feature be provide at the driveway entrance to the hotel to define the entry point.

The final building elevations and landscape plans, and landscape cost estimate shall be approved to the satisfaction of the Development Planning Department. Urban Design Staff have requested that glazing be provided adjacent to the patio area in the 1-storey portion of the building. Bird friendly treatment on the first 16m of glazing on the main façade, using a denser pattern of visual markers on the glass at a spacing of 50mm X 50mm, is required, which must be included on the final plans. The signage for the hotel is illustrated on the proposed building elevations shown on Attachment #5 and #6, and the Owner is advised that the MTO requires sign permits for buildings located within the MTO Corridor for Highway 400. A condition to this effect is included in the Recommendations of this report.

The main hotel entrance is located on the north elevation adjacent to the main parking area and is accessed from Canada’s Wonderland Drive (private driveway). There is a second entrance to the hotel which connects to the sidewalk on Rutherford Road. Urban Design staff have requested this entrance be more prominent and be revised to include more distinctive architectural features.

Urban Design Staff have requested that the landscape plan be revised to provide more robust planting materials including deciduous trees at 60 to 80 mm caliper, and coniferous trees at 2400mm to 3000mm height to provide better screening of the loading area.

The Development encourages sustainability by incorporating green energy standards into the site design including LED and photocells, lighting fixtures, lighting controls to prevent night sky lighting and the storage and collection areas for recycling and organic waste. Stormwater management systems to achieve optimal water quality and quantity treatment are included in the design. The location of the Development encourages sustainability as it is located within walking distance (400 metres or less) of a diverse range of amenities and a York Region Transit stop.

The Development Planning Department is generally satisfied with the Development and shall approve the final site plan, building elevations, landscape plan, landscape cost estimate, illumination plan, and signage details prior to the execution of the amending Site Plan Agreement, and will continue to work with the Owner to finalize these details. A condition to this effect is included in the Recommendations of this report.

There are no Cultural Heritage concerns with the Development

Cultural Heritage staff have advised there are no cultural heritage concerns respecting the Subject Lands.

Development Engineering Department has no objection to the Development, subject to the conditions in this report

The Development Engineering (“DE”) Department has provided the following comments:

Site Servicing

The Owner submitted a Functional Servicing Report (“FSR”) and a Stormwater Management Report (“SWM”) each prepared by WSP Canada Group Limited, dated March 2018, in support of the Application. The following summarizes the servicing scheme for the Development:

i) Water Supply Network

The Subject Lands are located within Pressure District 6 (“PD6”). There is no local watermain adjacent to the Subject Lands. The Owner proposes a water service connection through a proposed easement on the adjacent property to the east (World of Food property at 3300 Rutherford Road) to the existing municipal 300mm diameter watermain on Komura Road. The above noted easement must be secured to make this proposed servicing option viable. The final water service connection design must be to the satisfaction of the City.

ii) Sanitary Sewer Network

There is no local sanitary sewer adjacent to the site. The Owner also proposes a sanitary service connection through an easement on the World of Food property (3300 Rutherford Road) to the existing municipal 200mm diameter sewer on Komura Road. The FSR downstream analysis confirmed there is sufficient capacity in the sewer system for the Development. The required easement must be secured to the satisfaction of the City to make this servicing option viable. The FSR report identifies

two other locations where sanitary service connections can be made to the municipal system.

Easements on the World of Food property are required for water and sanitary services to the Subject Lands. The Owner shall make the necessary arrangements with the Owner of the World of Food property to acquire the required easements for the proposed water and sanitary service connections and amend the existing easement agreement (to convey storm drainage from Canada's Wonderland through World of Food's property on Komura Road) to reflect the servicing easements proposed in the FSR to the satisfaction of the City. A condition to this effect is included in the Recommendations of this report.

iii) Storm Sewer Network and Stormwater Management ("SWM") Measures

There is no storm sewer system within the immediate vicinity of the Subject Lands. The SWM report shows storm flows collected by existing ditches on either side of Canada's Wonderland Drive and out-letting into a small creek southwest of the amusement park; the existing subdivision's stormwater management pond (east of the Subject Lands); and the storm system of the commercial property to the south of the site. The controlled and uncontrolled runoff generated by the site will be discharging, via a new headwall, into the existing ditch west of Canada's Wonderland Drive. The site post-development flows must be controlled to its pre-development flow. The MTO has requested changes to the SWM Report, which are discussed later in this report, to direct stormwater flows away from Highway 400. Prior to the execution of the Site Plan Agreement, the City, TRCA and MTO shall be satisfied with the FSR and SWM Report to ensure there will be no negative impact to the adjacent areas, and the Subject Lands, in terms of surcharging and flooding.

iv) Development Agreement

The Owner shall enter into a Development Agreement with the DE Department for the installation of any proposed service connections and agree to pay for the design and construction of any improvements to the municipal infrastructure regarding the Subject Lands servicing assessment, should it be determined that upgrades are required to the infrastructure to support this Development. The Owner shall also agree to pay applicable fees and post the necessary Letter(s) of Credit, pursuant to the City Fees and Charges By-law, as amended. A clause to this affect is included in the Recommendations of this report.

v) Access

The Subject Lands will be accessed by a future driveway onto Canada's Wonderland Drive, which is an existing private road with access to Rutherford Road by way of the signalized intersection with the Highway 400 Northbound Off-Ramp. A Traffic Impact Study ("TIS") was submitted in support of the Development. A proposed northbound left-turn lane, on Canada's Wonderland Drive, is required to provide access to the Subject Lands, in accordance with the recommendations of the TIS. The DE Department

requires the Owner to confirm that the height of the vegetation within the existing Canada's Wonderland Drive median does not impact vehicle visibility and requires all possible sightline obstructions be removed or relocated.

The existing site plan and the supporting documents must be amended to relocate the existing entrance gates to Canada's Wonderland at Rutherford Road north of the proposed hotel driveway, in accordance with the recommendations in the TIS, to provide year-round driveway access to the Development. A condition to this effect is included in the Recommendations of this report.

vi) Pedestrian Connections

The pedestrian connection from the south building entrance to the sidewalk on Rutherford Road sidewalk must be to the satisfaction of the City, the MTO and York Region.

The DE Department also requires an active transportation connection (i.e. a sidewalk) between the proposed hotel and the entrance to the theme park. Although the TIS indicates that a guest shuttle service will be provided between the hotel and the theme park, the sidewalk connection will encourage the use of alternative modes of travel to and from the theme park, which would help to alleviate traffic congestion during peak times (i.e. after fireworks).

vii) Transportation Design Requirements

All accessible parking spaces shall satisfy the Accessibility for Ontarians with Disabilities Act ("AODA") requirements. Short and long-term bicycle parking spaces shall be provided as identified in the City's Draft Parking Standard ("IBI Study 2010") and a proposed pavement markings and signage plan shall be provided to the City for final approval.

viii) Noise

The DE Department has reviewed the Noise Impact Study, prepared by J.E. Coulter Associates Limited, dated April 3, 2018. The final architectural drawings must be reviewed to ensure they are compatible with the recommendations of the report. Updates to the report or architectural drawings may be necessary. The Owner shall agree that prior to the occupancy of the building the Owner shall submit to the City satisfactory evidence that the appropriate noise warning clauses have been included in the lease/rental agreements. A clause to this effect is included in the Recommendations of this report.

ix) Environmental Site Assessment ("ESA")

The Owner submitted a Phase One ESA report, entitled "Phase I Environmental Site Assessment, Plan D-714, Part 1 and 2, Lots 16 & 17, Concession 5, City of Vaughan, ON, dated October 4, 2017, prepared by Safetech Environmental Ltd. The report demonstrates that based on the finding of the report, a Phase II ESA is not required for the Subject Lands at this time.

The DE Department shall approve the final site servicing and grading plan, erosion control plan, functional servicing and storm water management reports and drawings, site illumination plan, utility coordination plan, geotechnical and hydrogeological assessment, and Traffic Impact Study ("TIS"). A condition to this effect is included in the Recommendations of this report.

The Parks Development Department is protecting for a Multiuse Recreational Pathway

The City is currently developing the 2018 Pedestrian and Bicycle Master Plan which conceptually identifies a multiuse active transportation connection across Highway 400 to connect to multiuse recreational trails on the east and west sides of Highway 400, mid-block within Block 32, as shown conceptually on Attachment #2. This connection may require access through the Owner's lands, north of the Development, and will not impact the processing of this Application. A future crossing feasibility study will be conducted by the City to identify the location, structural connections and land requirements for the connection. The City may request easements over portions of the Subject Lands, in favour of the City, to allow for this crossing. A clause to this effect will be included in the Site Plan Agreement, as indicated in the Recommendations of this report.

The Parks Operations and Forestry Department will require securities for tree compensation

The Parks Operations and Forestry Department will require appropriate securities in the form of a Letter of Credit for tree compensation value (if required) prior to final approval of the Site Plan Agreement.

Development Charges are applicable for the Development

The Financial Planning and Development Finance Department has advised that the Owner shall pay applicable Development Charges in accordance with the Development Charges By-laws of the City of Vaughan, York Region, York Region District School Board, and York Catholic District School Board. A standard clause to this effect will be included in the Site Plan Agreement, as indicated in the Recommendations of this report.

Cash-in-lieu of the dedication of parkland is required for the Development

The Office of the City Solicitor, Real Estate Department has advised that "The Owner shall pay, to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the Subject Lands, prior to issuance of a Building Permit, in accordance with Section 42 of the *Planning Act*. The Owner shall submit an appraisal of the Subject Lands prepared by an accredited appraiser for approval by the Office of the City Solicitor, Real Estate Department, and the approved appraisal shall form the basis of the cash-in-lieu payment. A condition to this effect is included in the Recommendations of this report.

The Toronto and Region Conservation Authority (“TRCA”) requires a site-specific water balance analysis for the Development

The Subject Lands are located within a Source Water Protection vulnerable area referred to as the Wellhead Protection Area-Q2 (“WHPA-Q2”). This area was delineated to help manage activities that may reduce recharge to the aquifer. The Source Water Protection Plan recommends the implementation of best management practices, such as Low Impact Development, with the goal to maintain pre-development recharge. The TRCA has no objection to the Development, provided the Owner agrees to complete a site-specific Water Balance Analysis addressing WHPA-Q2 requirements to the satisfaction of the TRCA, prior to the execution of the Site Plan Agreement. A condition to this effect is included in the Recommendations of this report.

Ministry of Transportation Ontario (“MTO”) requires additional stormwater analysis, the relocation of a sidewalk and an illumination plan for the Highway 400 ramp for the Development

The MTO has no objection to the Development subject to the Owner satisfying the MTO’s requirements including the provision of a left turn lane as noted in the TIS provided for the Development. The Stormwater Management Report must be revised to the satisfaction of the MTO to address stormwater flows away from the Highway 400.

The photometric analysis for the Development must be revised to the MTO’s satisfaction to address light levels on the Highway 400 on-ramp.

The MTO requires that the proposed sidewalk connection to Rutherford Road, as shown on Attachment #3, be relocated to along the westerly limit of Canada’s Wonderland Drive to connect with the existing sidewalk terminus at Rutherford Road (northwest corner of the intersection). The proposed sidewalk connection must comply with the MTO requirements and any encroachments for works proposed on the MTO right-of-way (for the sidewalk) requires a MTO Encroachment Permit. Since the proposed sidewalk will be partially located within the MTO right-of-way, MTO requires a letter from the municipality with jurisdiction over the road right-of-way (i.e. York Region or the City of Vaughan) acknowledging that the municipality will be responsible for all maintenance costs and liability for the sidewalk extension from Rutherford Road to the Development. A condition to this effect is included in the Recommendations of this report.

Environmental Services Department

The Environmental Services Department, Waste Management Division has advised that as per requirements of the City’s Waste Collection Design Standards Policy, the Development requires a waste storage room attached to or integral to the main building. A waste storage room large enough to accommodate all waste being generated for the proposed hotel must be provided and shall illustrate where the bins will be stored. The Truck Movements must be shown on a plan. In addition, the size of the bins must be specified on the Waste Collection Design Standards submission, to the satisfaction of the Waste Management Division. The Owner shall agree in the Site Plan Agreement that the Development will have private waste collection services. A condition to this effect has been included in the Recommendations of this report.

Agencies/Departments/Utilities with no comments regarding the proposed Development

Bombardier, Vaughan Building Standards Department, Vaughan Cultural Heritage, By-law Enforcement, and Rogers have no objection to the Development.

Financial Impact

There are no requirements for new funding associated with this report.

Broader Regional Impacts/Considerations

The York Region Community Planning and Development Services Department has no objection to the Application subject to the Owner satisfying York Region's conditions.

York Region has requested additional technical reports not included in original Application submission. These additional reports address the construction aspects of the proposed Development.

York Region also requested a Revised Transportation Mobility Plan Study for the Development and requires that it include the Vaughan Mills Secondary Plan in the background development and notes additional comments may be provided once the Transportation Mobility Plan Study is provided to York Region for review.

York Region has also requested that the sidewalk connection to the building be revised to connect to Rutherford Road in a location which aligns better with the existing driveway and that bicycle parking be shown on the site plan near the main entrances. The Region also requires that the Owner provide Presto cards to hotel staff as an incentive to promote transit usage. A condition to this effect is included in the Recommendations of this report.

Conclusion

Site Development File DA.18.026 has been reviewed in consideration of the policies of the PPS, the Growth Plan, the York Region Official Plan, VOP 2010, the development standards in Zoning By-law 1-88, comments from City Departments and external public agencies, and the surrounding area context. The Development is consistent with the policies of the PPS and conforms to the Growth Plan and the York Region and City Official Plans. The Development is appropriate and compatible with the existing and permitted uses in the surrounding area. Accordingly, the Development Planning Department can support the approval of Site Development File DA.18.026, subject to the Recommendations in this report.

For more information, please contact: Laura Janotta, Planner, at extension 8634.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan and Zoning
4. Landscape Plan
5. Elevations Plans (West and North)

6. Elevations Plans (East and South)
7. Existing Zoning (Zoning By-law 1-88, Exception 9(194)) & Proposed Location of Hotel Site within Transition Area 1

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/CM